



STATE OF INDIANA

MICHAEL R. PENCE, Governor

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November 9, 2015

Mr. John May - #962364
1946 West US Highway 40
Greencastle, Indiana 46135

Re: Formal Complaint 15-FC-256; Alleged Violation of the Access to Public Records Act by the Indiana State Police Records Division and Indiana State Police Division 33

Dear Mr. May,

This advisory opinion is in response to your formal complaint alleging the Indiana State Police Records Division and District 33 ("ISP") have violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et. seq.* ISP has responded to your complaint via Mr. Ryan Locke, Legal Counsel. His response is enclosed for your review. Pursuant to Ind. Code § 5-14-5-10, I issue the following opinion to your formal complaint received by the Office of the Public Access Counselor on September 23, 2015.

BACKGROUND

Your complaint dated September 17, 2015 alleges the Indiana State Police violated the Access to Public Records Act by failing to respond to your complaint.

On September 3, 2015 you requested copies of numerous records related to a cause number, including "ANY AND ALL" other records which may be responsive. You also requested a fee waiver.

ISP received your request on September 9, 2015. ISP notes it previously responded to your request. On September 15, 2015, ISP denied your request as relating to investigatory records. ISP contends you filed your complaint prematurely and you had not allowed time for their response to arrive.

ANALYSIS

The public policy of the APRA states that "(p)roviding persons with information is an essential function of a representative government and an integral part of the routine duties



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of public officials and employees, whose duty it is to provide the information.” See Ind. Code § 5-14-3-1. The Indiana State Police is a public agency for the purposes of the APRA. See Ind. Code § 5-14-3-2(m)(1). Accordingly, any person has the right to inspect and copy ISP’s disclosable public records during regular business hours unless the records are protected from disclosure as confidential or otherwise exempt under the APRA. See Ind. Code § 5-14- 3-3(a).

A request for records may be oral or written. See Ind. Code § 5-14-3-3(a); § 5-14-3-9(c). If the request is delivered in person and the agency does not respond within 24 hours, the request is deemed denied. See Ind. Code § 5-14-3-9(a). If the request is delivered by mail or facsimile and the agency does not respond to the request within seven (7) days of receipt, the request is deemed denied. See Ind. Code § 5-14-3-9(b). A response from the public agency could be an acknowledgement that the request has been received and information regarding how or when the agency intends to comply.

Your complaint was received on September 9, 2015, therefore, ISP had until September 16, 2015 to respond. ISP’s response was mailed out on September 15, 2015. Therefore, there is no violation for timeliness. You have not asserted any impropriety in regard to the invocation of the investigatory records exemption to disclosure. That particular matter will not be addressed herein.

CONCLUSION

Based on the foregoing, it is the Opinion of the Public Access Counselor the Indiana State Police has not violated the Access to Public Records Act.

Regards,

A handwritten signature in black ink, appearing to read "LH Britt", written in a cursive style.

Luke H. Britt
Public Access Counselor



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Cc: Mr. Ryan Locke, Esq.